



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
* * * * *
In the matter of the PATENT application of

Inventor Wilson Smart et al
Title SILICON MICROPROBE
WITH INTEGRATED BIOSENSOR

Ser.No. 09/816,472
Filed March 26, 2001

Examiner unassigned
Group unassigned

RECEIVED
JUL 31 2001
OFFICE OF PETITIONS

Office of Petitions
* * * * *

Commissioner for Patents
Washington D.C. 20231
July 26, 2001

PETITION TO THE COMMISSIONER
UNDER 37 CFR 1.47(a)

Sir; | 07/31/2001 GTEFFERA 00000062 09816472
EXTENSION OF TIME | 01 FC:215 55.00 OP

Applicants hereby extend the time period for this
response by one month from 07 July 2001 to 07 August 2001
by providing the required fee as noted in the cover
letter submitted herewith. | 07/31/2001 GTEFFERA 00000061 09816472

| 01 FC:122 130.00 OP

STATEMENT OF FACTS

On 26 March 2001 Applicant, Wilson Smart filed four
patent applications with the PTO as listed below:

- I) SN 09/816,472 - Docket Kum 11 Sil.Prb
by inventors Smart, Subramanian, and Orloff
the subject application for this petition.
- II) SN 09/816,497 - Docket Kum 12 Opt.Win
by inventors Smart, Subramanian, and Kanu.
- III) SN 09/817,567 - Docket Kum 13 Sil.Lan
by inventors Smart, Subramanian, and Orloff.
- IV) SN 09/816,470 - Docket Kum 15 Prb.Ste
by inventors Smart, Subramanian, and Orloff.

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Each of the four applications listed above had three
joint inventors. In each application one of the joint
inventors was Smart who signed all four of the original

declarations. In each application another one of the joint inventors was Subramanian who was unavailable and therefore did not sign any of the original declarations. The third joint inventor in each application was also unavailable did not sign the original declarations.

On 07 May 2001, the PTO mailed to Applicant a "Notice To File Missing Parts of Nonprovisional Application" (copy enclosed) for the subject application (listed above as application I), noting the lack of signatures by two of the joint inventors (Subramanian and Orloff) on the declaration. Applicant received similar notices for above listed applications II, III, and IV.

On 9 May 2001, Applicant's Attorney sent four standard declarations and four assignment documents to Fitzgerald, Abbott & Beardsley LLP, general counsel for joint inventor Subramanian (Exhibit A, 13 pages), for the four applications listed above. Also on 9 May 2001, Applicant's Attorney sent standard declarations and assignment documents to joint inventor Orloff (Exhibit B, one page), for applications I, III, and IV listed above. The assignee in each of these seven assignments was Kumetrix, Inc, the ex-employer for both Subramanian and Orloff.

On 8 June 2001, Applicant's Attorney received a letter from Michael Sebree of Fitzgerald, Abbott & Beardsley general counsel for Subramanian concerning the four applications (Exhibit C, two pages). Subramanian made three conditions in the letter, number two of which required that Subramanian's name be listed first on the declaration for two of the applications. The letter further states that when the three conditions are met

"Mr. Subramanian will execute the documents"
(Exhibit C, sentence beginning on the last line of first page and ending on the first line of second page).

On 11 June 2001, Applicant's Attorney sent a follow-up letter by certified mail (Exhibit D, 2 pages) to Fitzgerald, Abbott & Beardsley, listing Subramanian as first inventor on the declarations and meeting Subramanian's other requirements. Also on 11 June 2001, Applicant's Attorney sent a follow-up letter by certified mail (Exhibit E, two pages), to Orloff.

Applicant's Attorney received signed declarations from Subramanian for three applications II, III, and IV listed above (but not for application I) and from Orloff for three applications I, III, IV listed above.

Applicant's Attorney forwarded declarations with the two missing signatures to the PTO for each of the applications II, III, and IV listed above. Concerning the subject application (listed above as application I), Applicant's Attorney forwarded a declaration signed by Orloff to the PTO (Exhibit F, 5 pages).

DISCUSSION OF FACTS

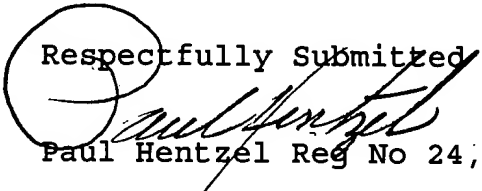
Applicant's Attorney obtained all of the required the signatures on declarations for applications II, III, and IV listed above (including the signature of Subramanian). Concerning the subject application (listed above as application I) applicant obtained only the signature of joint inventor Orloff. Subramanian refuses to sign the declaration for the present application (listed above as application I), even though Subramanian has acknowledged that he is a joint inventor on each of the four applications, and under an obligation to Kumetrix (his ex-employer).

Applicant's Attorney has made a diligent but unsuccessful effort to obtain the signed declaration from Subramanian for the subject application, and submits herewith a Declaration of Facts in support of this effort. The declarant is Applicant's Attorney, who has first hand knowledge of the facts recited in the declaration.

ACTION REQUESTED

The other Applicants (Smart and Orloff) hereby petition the Commissioner to accept the above identified patent application without a declaration signed by Subramanian on their behalf and on behalf of the non-signing inventor.

Respectfully Submitted


Paul Hentzel Reg No 24,602

Attorney for Applicant
July 26, 2001
(650) 326-8254

enc

Exhibit A - first letter to Subramanian's counsel
Exhibit B - first letter to Orloff
Exhibit C - letter from Subramanian's counsel
Exhibit D - follow-up letter to Subramanian's counsel
Exhibit E - follow-up letter to Orloff
Exhibit F - missing parts to PTO

RECEIVED

JUL 31 2001

OFFICE OF PETITIONS



DAC #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
* * * * *
In the matter of the PATENT application of

Inventor Wilson Smart et al
Title SILICON MICROPROBE
WITH INTEGRATED BIOSENSOR

Ser.No. 09/816,472
Filed March 26, 2001

Examiner unassigned
Group unassigned

RECEIVED

JUL 31 2001

OFFICE OF PETITIONS

Office of Petitions
* * * * *
Commissioner for Patents
Washington D.C. 20231

July 26, 2001

COVER LETTER
FOR PETITION TO THE COMMISSIONER
UNDER 37 CFR 1.47(a)

Sir;

This paper is submitted in response to the "Notice to File Missing Parts of Nonprovisional Application" dated 07 May 2001 (copy enclosed).

Enclosed herewith for filing in the United States Patent and Trademark Office is a Petition to the Commissioner for the above identified application, concerning a non-signing ex-employee. The Petition includes of:

1. Petition,
2. Declaration of Facts,
3. Exhibits A, B, C, D, E, and F,
4. Petition Fee \$130 (check enclosed), and
5. Extension of Time Fee \$55 (check enclosed).

RECEIVED

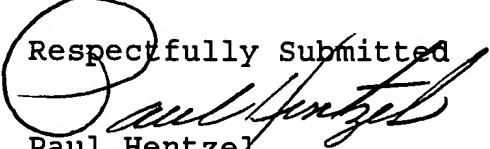
SEP 24 2002

OFFICE OF PETITIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the filing of this Petition, or credit any overpayment to Deposit Account No. 08-1760. A duplicate copy of this sheet is enclosed.

enc.
Petition
Copy of Notice
Return Postcard

Respectfully Submitted


Paul Hentzel
Reg No 24,602
Attorney for Applicant
(650) 326-8254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
* * * * *

In the matter of the PATENT application of

Inventor Wilson Smart et al

Title SILICON MICROPROBE
WITH INTEGRATED BIOSENSOR

Ser.No. 09/816,472
Filed March 26, 2001

Customer Service Center
Initial Patent Examination Division (703) 308-1202

* * * * *

Commissioner for Patents
Washington D.C. 20231 July 20, 2001

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir;

This paper is submitted in response to the "Notice to File Missing Parts of Nonprovisional Application" dated 07 May 2001.

Applicants hereby extend the time period for this response by one month from 07 July 2001 to 07 August 2001 by providing the required fee of \$55.00.

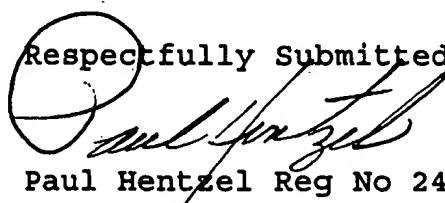
Enclosed is a declaration signed by joint inventor Eugene Orloff, a copy of the 07 May 01 notice, and a check for payment of the late declaration surcharge of \$65.00.

Applicants were unable to obtain the signature of joint inventor Kumar Subramanian, and will proceed by way of petition under 37 CFR 1.47(a).

The Commissioner is hereby authorized to charge any additional fees which may be required for the filing of this paper, or credit any overpayment to Deposit Account No. 08-1760. A duplicate copy of this sheet is enclosed.

enc.
1 Declaration
Copy of Notice
Check - surcharge 65
Check - extension time 55
Return Postcard

Respectfully Submitted



Paul Hentzel Reg No 24,602

Attorney for Applicants
(650) 326-8254

Cal



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,472	03/26/2001	Wilson Smart	Kum11Si1.Prb

CONFIRMATION NO. 6422

FORMALITIES LETTER



0000000006045846

Paul Hentzel
441 Nevada Avenue
Palo Alto, CA 94301

Date Mailed: 05/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Kumar Subramanian and Eugene Orloff
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Zeneba
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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JUL 3 1 2001

OFFICE OF PETITIONS

RECEIVED

SEP 2 4 2002

OFFICE OF PETITIONS

Your date stamp acknowledges receipt
of the following documents:

RESPONSE TO NOTICE
TO FILE MISSING PARTS
1 Declaration
Copy of Notice
Check - late fee \$65
Check - Extension of time fee \$55

in the matter of the application of
Wilson Smart et al
Ser No. 09/816,472
Filed March 26, 2001

Docket Kum11Sil.Prb

PAUL HENTZEL ATTORNEY AT LAW PATENTS COPYRIGHTS TRADEMARKS 441 NEVADA AVE. 415-326-8254 PALO ALTO, CA 94301		11-24 1210(8)	5414
DATE <u>July 20, 2001</u>			
PAY TO THE ORDER OF	Commissioner for Patents	\$	55.00
Fifty Five and no/100 --- ---		DOLLARS	
WELLS FARGO BANK			
MEMO <u>Extension Time Fee</u>			
Kum11Sil.Prb - SN 09/816,472			
12100024815414 0277 591632			

PAUL HENTZEL ATTORNEY AT LAW PATENTS COPYRIGHTS TRADEMARKS 441 NEVADA AVE. 415-326-8254 PALO ALTO, CA 94301		11-24 1210(8)	5413
DATE <u>July 20, 2001</u>			
PAY TO THE ORDER OF	Commissioner for Patents	\$	65.00
Sixty Five and no/100 --- ---		DOLLARS	
WELLS FARGO BANK			
MEMO <u>Late Fee</u>			
Kum11Sil.Prb - SN 09/816,472			
12100024815413 0277 591632			



(Kum 00 Sub)

PAUL HENTZEL
Patents Copyrights Trademarks

441 Nevada Avenue
Palo Alto, California 94301-4122
Tel (650) 326-8254

May 09, 2001

Fitzgerald, Abbott & Beardsley LLP
J. Brittain Habegger
1221 Broadway, 21st Floor
Oakland, CA 94612-1837

RE : Declaration - Assignments
Four Recent Patent Filings by Kumetrix*

Dear People

Enclosed are four standard inventor declarations and four standard assignment documents for Mr. Subramanian to sign as joint inventor. These signatures are required in connection with four recently filed Kumetrix patent applications having docket numbers

Kum 11 Sil.Prb - Silicon Probe,
Kum 12 Opt.Win - Optical Window,
Kum 13 Sil.Lan - Silicon Lance, and
Kum 15 Prb.Str - Probe Strength.

This request for signatures is consistent with the terms of the Employment Agreement (February 21, 1997) between Mr. Subramanian and Kumetrix executed by Mr. Subramanian (attached pink). Kindly obtain Mr. Subramanian's signature on the enclosed declarations and assignments, and return them to me in the enclosed return envelope. Notarization is optional.

The four Declarations are standard statements to the US Patent Office concerning the Kumetrix's patent applications, assuring the Patent Office that Mr. Subramanian is one of the joint inventors in each of the four applications. The four Assignment Documents assign ownership of the patent rights to Kumetrix, Mr. Subramanian's previous employer.

enc
4 Dec
4 asn
emp agr - pink

cc
Mark R. Ostler
Wilson Smart
Kumar Subramanian (w/o enclosures)

Respectfully Submitted

Paul Hentzel
Patent Attorney
Reg No 24,602

* A trademark of Kumetrix, Inc.

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RECEIVED

JUL 31 2001

OFFICE OF PETITIONS

EXHIBIT A
1st Letter to Subramanian
Petition - 09/816,472

U.S. Department of Commerce
Patent and Trademark Office

Attorney Docket No Kum11Sil.Prb

First Named Inventor Wilson Smart

**DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION**

COMPLETE IF KNOWN

Application Number / ,

Filing Date

<input type="checkbox"/> Declaration Submitted with Initial Filing	OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Group Art Unit Examiner Name
--	----	--	---------------------------------

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SILICON MICROPROBE
WITH INTEGRATED BIOSENSOR,**

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT
International Application Number [] and was amended on (MM/DD/YYYY) []
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title, 35 United States Code Sections 119(a)-(d) or Section 385(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

None

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Paul Hentzel REG. 24,602

Please direct all correspondence to:

Paul Hentzel
441 Nevada Ave.
Palo Alto, CA. 94301

Telephone - (650) 326-8254

Fax - (650) 321-2854

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Wilson

Smart

Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Palo Alto

CA 94301

U.S.A.

U.S.A.

Mailing Address Street

City

State

Zip

Country

245 Washington Avenue,

Palo Alto,

CA

94301

U.S.A.

Name of Second Inventor

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Kumar

Subramanian

Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Pleasanton,

CA 94566

U.S.A.

U.S.A.

Mailing Address Street

City

State

Zip

Country

6833 Corte Munras,

Pleasanton,

CA

94566

U.S.A.

Name of Third Inventor

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Eugene

Orloff

Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Berkeley

CA 94710

U.S.A.

U.S.A.

Mailing Address Street

City

State

Zip

Country

1627 9th Street

Berkeley

CA

94710

U.S.A.

Docket Kum11Sil.Prb

(NOTARY PUBLIC)

U.S. Department of Commerce
Patent and Trademark Office

Docket No Kum12Opt.Win
First Named Inventor Wilson Smart

**DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION**

COMPLETE IF KNOWN

Application Number / ,

Filing Date

<input type="checkbox"/> Declaration Submitted with Initial Filing	OR <input checked="" type="checkbox"/>	<input type="checkbox"/> Declaration Submitted after Initial Filing	Group Art Unit Examiner Name
--	--	---	---------------------------------

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SILICON NITRIDE WINDOW FOR MICROSAMPLING
DEVICE AND METHOD OF CONSTRUCTION,**

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT International Application Number [/ ,] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title, 35 United States Code Sections 119(a)-(d) or Section 385(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

None

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Wilson Smart

Please direct all correspondence to:

Wilson Smart
245 Washington Avenue
Palo Alto, CA. 94301

Telephone - (650) 326-1225

Fax - (510) 476-0953

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Wilson**Smart**Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Palo Alto**CA 94301****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

245 Washington Avenue,**Palo Alto,****CA****94301****U.S.A.****Name of Second Inventor**

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Kumar**Subramanian**Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Pleasanton,**CA 94566****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

6833 Corte Munras,**Pleasanton,****CA****94566****U.S.A.****Name of Third Inventor**

Given Name

Middle Initial

Family Name

A petition has been filed for this unsigned inventor

Suffix e.g. Jr.

Asikeh**Kanu**Inventor's
Signature

Date

Residence

City

State

Country

Citizenship

Oakland**CA 94609****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

652 Aileen Street**Oakland****CA****94609****U.S.A.**

P A T E N T
A S S I G N M E N T Docket Kum12Opt.Win
SUBRAMANIAN * KUMETRIX

For good and valuable consideration, the receipt of which is hereby acknowledged, I:

Kumer Subramanian
residing at
6833 Corte Munras
Pleasanton, CA 94566

as one of the joint inventors have sold, assigned, and transferred and does hereby sell assign, and transfer my entire worldwide right title and interest in United States Letters Patent Application based on:

Serial Number , filed
Entitled SILICON NITRIDE WINDOW FOR MICROSAMPLING
 DEVICE AND METHOD OF CONSTRUCTION

and all inventions and designs therein, and any improvement, divisional, continuation, substitute, renewal, reissue or foreign applications thereof, and any United States or foreign patents issuing therefrom, to:

Kumetrix*, Inc.
 hereinafter referred to as KUMETRIX
a corporation of California
having a place of business at
29524 Union City Blvd
Union City, CA 94587-1245
for itself and its successors, transferees, and assignees.

I hereby authorize and request the COMMISSIONER of PATENTS to issue the above Letters Patent Application to KUMETRIX as the owner thereof.

I hereby appoint KUMETRIX my Attorney, with full power to apply for and obtain patent rights on the above invention in the United States and foreign countries, in its own name, right and interest, and to sell, transfer or otherwise dispose thereof.

I further convey to KUMETRIX all priority rights resulting from the above Patent Application.

I agree to execute all papers and give such testimony and perform such other lawful acts as KUMETRIX may require to enable KUMETRIX to procure the above United States and foreign patent rights, and acquire, hold and convey title thereto, and to maintain, transfer, enforce, and uphold the validity of these patent rights.

IN WITNESS THERETO, I have signed my name on the day and year written below in the presence of subscribing witnesses.

WITNESS	DATE	ASSIGNOR	DATE
---------	------	----------	------

(Kumer Subramanian)

State of California)
County of Santa Clara) SS

On this th day of before me personally appeared Kumer Subramanian known to me or proved to me on the basis of satisfactory evidence to be the persons described in and who executed the above assignment and acknowledged to me that he executed the above assignment for the purposes therein stated.

(SEAL)

(NOTARY PUBLIC)

U.S. Department of Commerce
Patent and Trademark Office

Docket No Kum13Sil.Lan
First Named Inventor Wilson Smart

**DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION**

COMPLETE IF KNOWN

Application Number / ,

Filing Date

<input type="checkbox"/> Declaration Submitted with Initial Filing	OR <input checked="" type="checkbox"/>	<input type="checkbox"/> Declaration Submitted after Initial Filing	Group Art Unit Examiner Name
--	--	---	---------------------------------

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SILICON LANCET DEVICE
AND METHOD OF CONSTRUCTION,**

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT
International Application Number [] and was amended on (MM/DD/YYYY) []
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title, 35 United States Code Sections 119(a)-(d) or Section 385(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

None

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Wilson Smart

Please direct all correspondence to:

Wilson Smart
245 Washington Avenue
Palo Alto, CA. 94301

Telephone - (650) 326-1225

Fax - (510) 476-0953

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor

Given Name

Middle Initial

| |

A petition has been filed for this unsigned inventor

Family Name

Suffix e.g. Jr.

Wilson**Smart**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Palo Alto**CA 94301****U.S.A.****U.S.A.**

Mailing Address

Street

City

State

Zip

Country

245 Washington Avenue,**Palo Alto,****CA****94301****U.S.A.****Name of Second Inventor**

Given Name

Middle Initial

| |

A petition has been filed for this unsigned inventor

Family Name

Suffix e.g. Jr.

Kumar**Subramanian**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Pleasanton,**CA 94566****U.S.A.****U.S.A.**

Mailing Address

Street

City

State

Zip

Country

6833 Corte Munras,**Pleasanton,****CA****94566****U.S.A.****Name of Third Inventor**

Given Name

Middle Initial

| |

A petition has been filed for this unsigned inventor

Family Name

Suffix e.g. Jr.

Eugene**Orloff**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Berkeley**CA 94710****U.S.A.****U.S.A.**

Mailing Address

Street

City

State

Zip

Country

1627 9th Street**Berkeley****CA****94710****U.S.A.**

P A T E N T
A S S I G N M E N T Docket Kum13Sil.Lan
SUBRAMANIAN * KUMETRIX

For good and valuable consideration, the receipt of which is hereby acknowledged, I:

Kumer Subramanian
residing at
6833 Corte Munras
Pleasanton, CA 94566

as one of the joint inventors have sold, assigned, and transferred and does hereby sell assign, and transfer my entire worldwide right title and interest in United States Letters Patent Application based on:

Serial Number , filed
Entitled SILICON LANCET DEVICE
AND METHOD OF CONSTRUCTION

and all inventions and designs therein, and any improvement, divisional, continuation, substitute, renewal, reissue or foreign applications thereof, and any United States or foreign patents issuing therefrom, to:

Kumetrix*, Inc.

hereinafter referred to as KUMETRIX
a corporation of California
having a place of business at
29524 Union City Blvd
Union City, CA 94587-1245
for itself and its successors, transferees, and assignees.

I hereby authorize and request the COMMISSIONER of PATENTS to issue the above Letters Patent Application to KUMETRIX as the owner thereof.

I hereby appoint KUMETRIX my Attorney, with full power to apply for and obtain patent rights on the above invention in the United States and foreign countries, in its own name, right and interest, and to sell, transfer or otherwise dispose thereof.

I further convey to KUMETRIX all priority rights resulting from the above Patent Application.

I agree to execute all papers and give such testimony and perform such other lawful acts as KUMETRIX may require to enable KUMETRIX to procure the above United States and foreign patent rights, and acquire, hold and convey title thereto, and to maintain, transfer, enforce, and uphold the validity of these patent rights.

IN WITNESS THERETO, I have signed my name on the day and year written below in the presence of subscribing witnesses.

WITNESS	DATE	ASSIGNOR	DATE
---------	------	----------	------

(Kumer Subramanian)

State of California)
County of Santa Clara) SS

On this th day of before me personally appeared Kumer Subramanian known to me or proved to me on the basis of satisfactory evidence to be the persons described in and who executed the above assignment and acknowledged to me that he executed the above assignment for the purposes therein stated.

(SEAL)

(NOTARY PUBLIC)

U.S. Department of Commerce
Patent and Trademark Office

Docket No Kum15Prb.Str

First Named Inventor Wilson Smart

**DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION**

COMPLETE IF KNOWN

Application Number / ,

Filing Date

<input type="checkbox"/> Declaration Submitted with Initial Filing	OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Group Art Unit Examiner Name
--	----	--	---------------------------------

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SILICON PENETRATION DEVICE WITH INCREASED
FRACTURE TOUGHNESS AND METHOD OF FABRICATION,**

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) [/ ,] as United States Application Number or PCT International Application Number [/ ,] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title, 35 United States Code Sections 119(a)-(d) or Section 385(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

None

DECLARATION

Page 2

I hereby claim the benefit under Title 35, United States Code Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Wilson Smart

Please direct all correspondence to:

Wilson Smart

Telephone - (650) 326-1225

245 Washington Avenue

Palo Alto, CA. 94301

Fax - (510) 476-0953

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor

| | A petition has been filed for this unsigned inventor

Given Name

Middle Initial

Family Name

Suffix e.g. Jr.

Wilson**Smart**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Palo Alto**CA 94301****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

245 Washington Avenue,**Palo Alto,****CA****94301****U.S.A.****Name of Second Inventor**

| | A petition has been filed for this unsigned inventor

Given Name

Middle Initial

Family Name

Suffix e.g. Jr.

Kumar**Subramanian**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Pleasanton,**CA 94566****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

6833 Corte Munras,**Pleasanton,****CA****94566****U.S.A.****Name of Third Inventor**

| | A petition has been filed for this unsigned inventor

Given Name

Middle Initial

Family Name

Suffix e.g. Jr.

Eugene**Orloff**

Inventor's

Signature

Date

Residence

City

State

Country

Citizenship

Berkeley**CA 94710****U.S.A.****U.S.A.**

Mailing Address Street

City

State

Zip

Country

1627 9th Street**Berkeley****CA****94710****U.S.A.**

P A T E N T
A S S I G N M E N T
SUBRAMANIAN * KUMETRIX

Docket Kum15Prb.Str

For good and valuable consideration, the receipt of which is hereby acknowledged, I:

Kumer Subramanian
residing at
6833 Corte Munras
Pleasanton, CA 94566

as one of the joint inventors have sold, assigned, and transferred and does hereby sell assign, and transfer my entire worldwide right title and interest in United States Letters Patent Application based on:

Serial Number _____, filed
Entitled SILICON PENETRATION DEVICE WITH INCREASED
FRACTURE TOUGHNESS AND METHOD OF FABRICATION

and all inventions and designs therein, and any improvement, divisional, continuation, substitute, renewal, reissue or foreign applications thereof, and any United States or foreign patents issuing therefrom, to:

Kumetrix*, Inc.

hereinafter referred to as KUMETRIX
a corporation of California
having a place of business at
29524 Union City Blvd
Union City, CA 94587-1245

for itself and its successors, transferees, and assignees.

I hereby authorize and request the COMMISSIONER of PATENTS to issue the above Letters Patent Application to KUMETRIX as the owner thereof.

I hereby appoint KUMETRIX my Attorney, with full power to apply for and obtain patent rights on the above invention in the United States and foreign countries, in its own name, right and interest, and to sell, transfer or otherwise dispose thereof.

I further convey to KUMETRIX all priority rights resulting from the above Patent Application.

I agree to execute all papers and give such testimony and perform such other lawful acts as KUMETRIX may require to enable KUMETRIX to procure the above United States and foreign patent rights, and acquire, hold and convey title thereto, and to maintain, transfer, enforce, and uphold the validity of these patent rights.

IN WITNESS THERETO, I have signed my name on the day and year written below in the presence of subscribing witnesses.

WITNESS	DATE	ASSIGNOR	DATE
---------	------	----------	------

-----	-----	-----	-----
		(Kumer Subramanian)	

State of California)
County of Santa Clara) SS

On this th day of before me personally appeared Kumer Subramanian known to me or proved to me on the basis of satisfactory evidence to be the persons described in and who executed the above assignment and acknowledged to me that he executed the above assignment for the purposes therein stated.

(SEAL)

(NOTARY PUBLIC)

(Kum 00 Orl)

PAUL HENTZEL
Patents Copyrights Trademarks

441 Nevada Avenue
Palo Alto, California 94301-4122
Tel (650) 326-8254

May 09, 2001

Eugene Orloff
Inventor
1627 9th Street
Berkeley, CA 94710

RE : Declaration - Assignments
Three Recent Patent Filings by Kumetrix*

Dear Eugene

Enclosed are three standard inventor declarations and three standard assignment documents for you to sign as joint inventor. These signatures are required in connection with your three recently filed, very interesting, patent applications having docket numbers

Kum 11 Sil.Prb - Silicon Probe,
Kum 13 Sil.Lan - Silicon Lance, and
Kum 15 Prb.Str - Probe Strength.

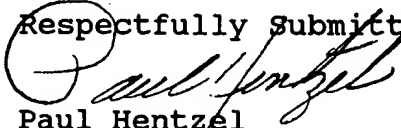
This request for signatures is consistent with the terms of the Employment Agreement (!!! 7, 1998) between you and Kumetrix (attached yellow). Kindly sign and date the enclosed declarations and assignments (at the yellow markers), and return them to me in the enclosed return envelope. Notarization is optional.

The three Declarations are standard statements to the US Patent Office concerning the Kumetrix's inventions, assuring the Patent Office that you are one of the joint inventors in each of the three applications. The three Assignment Documents assign ownership of the patent rights to Kumetrix.

enc
3 Dec
3 asn
emp agr - yellow

cc
Mark R. Ostler
Wilson Smart

Respectfully Submitted


Paul Hentzel
Patent Attorney
Reg No 24,602

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SEP 24 2002

OFFICE OF PETITIONS

* A trademark of Kumetrix, Inc.

EXHIBIT B
1st Letter to Orloff
Petition - 09/816,472

JAMES C. SOPER, INC.
PHILIP M. JELLEY, INC.
GERALD C. SMITH
LAWRENCE R. SHEPP
RICHARD T. WHITE
J. BRITTAIN HABEGGER
VIRGINIA PALMER
TIMOTHY H. SMALLSREED
BARRY H. EPSTEIN
STEPHEN M. JUDSON
STEPHEN M. WILLIAMS
KRISTIN A. PACE
MICHAEL M. K. SEBREE
SARAH E. ROBERTSON
JOHN F. COOKE
PAUL S. KIBEL
MICHAEL S. WARD
FATIMA BRUNSON EVANS
DENA R. GRAFF
DAVID C. LEE
ELNA R. SHAH
JULIE A. COLDICOTT
DAWN NEWTON

FITZGERALD, ABBOTT & BEARDSLEY LLP

ATTORNEYS AT LAW

1221 BROADWAY, 21ST FLOOR
OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (510) 451-3300

PLEASE REPLY TO:

P. O. Box 12867
OAKLAND, CALIFORNIA 94604-2867

R. M. FITZGERALD 1858-1934
CARL H. ABBOTT 1867-1933
CHARLES A. BEARDSLEY 1882-1963

MICHAEL P. WALSH
EDWARD M. KEECH
OF COUNSEL

PHILIP E. DRYSDALE
SENIOR COUNSEL

MARY BETH TRICE
SPECIAL COUNSEL

FACSIMILE: (510) 451-1527
EMAIL: INBOX@FABLAW.COM
WEBSITE: WWW.FABLAW.COM

June 8, 2001

Mr. Paul Hentzel
441 Nevada Avenue
Palo Alto, CA 94301-4122

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OFFICE OF PETITIONS

Re: Patent Assignment and Patent Filings by Kumetrix

Dear Mr. Hentzel:

Pursuant to your letter dated May 9, 2001 and the four (4) Patent Assignments and Inventor Declarations you enclosed therewith, the following revisions need to be made before Mr. Kumar Subramanian can sign the documents:

- (1) On the Patent Assignment cover pages for all 4 Patent Assignments, Mr. Subramanian's first name is misspelled as "Kumer." It should be spelled as "Kumar;"
- (2) On the two (2) Inventor Declarations titled "Silicon Nitride Window For Microsampling Device and Method of Construction" and "Silicon Lancet Device and Method of Construction" Mr. Subramanian should be listed as the "First Inventor" and Wilson Smart should be listed as the "Second Inventor." The ideas were Mr. Subramanian's ideas and he has the necessary documentation to prove so; and
- (3) Mr. Subramanian would like to receive copies of the Patents being filed. As an inventor he is entitled to receive such copies.

After changes listed in items 1 and 2 have been made and copies are provided to Mr.

Subramanian per my request in item 3, Mr. Subramanian will execute the documents.

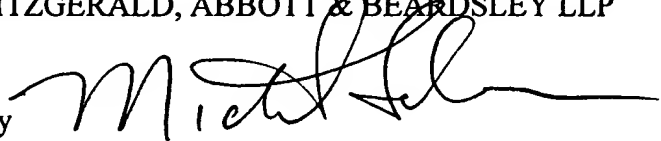
Additionally, Mr. Subramanian would like to review the agreement he has been led to believe Kumetrix has entered into with Roche. California courts recognize a common law inspection right wherever shareholders can show a "proper and reasonable purpose" related to their interests as shareholders. [*Schnabel v. Sup. Ct.*, 5 C4th 704] Under Corporations Code §1601(a), the right of shareholder inspection covers the "accounting" records of the corporation. However, as stated in *Hobbs v. Tom Reed Gold Mining Co.*, "[i]t would be a strange rule which would allow the stockholder to examine the books of a corporation and deny him an inspection of the property (or other records) to verify the statements contained in the books." [129 P 781] A "proper and reasonable purpose" for a shareholder to review corporate records may be to determine whether to sell, or to invest further in the corporation or to assess the managerial performance of corporate officers. [*Hartman v. Bandini Petroleum Co.*, 290 P 900] Consequently, because Mr. Subramanian is a significant shareholder in Kumetrix and his purpose in reviewing the Kumetrix/Roche agreement is to determine his investment interest in Kumetrix, this is to serve as Mr. Subramanian's written demand to review and inspect the Kumetrix/Roche agreement.

In addition to requests in items 1-3 above, please provide Mr. Subramanian with the Kumetrix/Roche agreement. If you should have any questions or comments, please do not hesitate to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY LLP

By



Michael M. K. Sebree

MMKS:ers



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

* * * * *

In the matter of the PATENT application of

Inventor Wilson Smart et al

Title SILICON MICROPROBE
WITH INTEGRATED BIOSENSOR

Ser.No. 09/816,472
Filed March 26, 2001

Examiner unassigned
Group unassigned

Office of Petitions

* * * * *

DECLARATION OF PAUL HENTZEL RE FACTS
SURROUNDING NON-SIGNING OF DECLARATION
OF THE ABOVE PATENT APPLICATION

I Paul Hentzel, hereby declare that:

1) I am Applicant's attorney of record for the above identified patent application (listed in the petition as application I), and have first hand information of the facts recited herein. My PTO registration number is 24,602.

2) In response to a "Notice to File Missing Parts of Nonprovisional Application" dated 07 May 2001 from the PTO (copy enclosed), I sent four standard declarations and four assignment documents to Fitzgerald, Abbott & Beardsley LLP, general counsel for joint inventor Subramanian (Exhibit A, dated 9 May 2001), for the four applications listed in the STATEMENT OF FACTS.

3) In response to a letter from Fitzgerald, Abbott & Beardsley dated 08 June 2001 (Exhibit C), I sent a follow-up letter by certified mail (Exhibit D, dated 11 June 2001) to Fitzgerald, Abbott & Beardsley, listing

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Subramanian as first inventor on the declarations and meeting Subramanian's other requirements.

4) I have not received a signed declaration for the subject application from either Subramanian or his counsel.

5) The last known address of joint inventor Subramanian is 6833 Corte Munras, Pleasanton, CA 94566.

6) The address of Fitzgerald, Abbott & Beardsley general counsel for Subramanian is 1221 Broadway, 21st Floor, Oakland, CA 94612-1837.

7) I further declare:

that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above application or any patent issued thereon; and

that this statement was executed on 26 Ju/01 in Palo Alto, California.

Signed

Paul Hentzel



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JUL 31 2001

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(Kum 00 Sub)

PAUL HENTZEL
Patents Copyrights Trademarks

441 Nevada Avenue
Palo Alto, California 94301-4122
Tel (650) 326-8254

June 11, 2001

Fitzgerald, Abbott & Beardsley LLP
Michael M.K. Sebree
1221 Broadway, 21st Floor
Oakland, CA 94612-1837

RE : Declaration - Assignments
Four Recent Patent Filings by Kumetrix*
Follow-up Request

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sent by Certified Mail return receipt

Sir

This is a follow-up request to my request of 09 May 01, in response to your letter of 08 June, 2001. Concerning points 1-3 of your letter, I have the following comments.

(1) I have corrected the spelling of Mr. Subramanian's first name from "Kumer" to "Kumar" on the four assignment documents. This spelling error appears only on the four assignments. The correct spelling appears on all other documents in this matter, including all documents that have been filed with the US Patent Office to date.

(2) The order of listing joint inventors in a patent application is without legal significance. The Smart-Subramanian order is a random order which I created as I prepared the declarations. I have prepared two declarations employing the suggested Subramanian-Smart order of joint inventors. I believe that the new order will be satisfactory to Mr. Subramanian.

(3) Enclosed for Mr. Subramanian is a copy of each of the above four patent applications (including the written description, the claims and the drawing). The application docket number is printed along the lefthand side of the footer on each page.

I have no information concerning the other matters in your letter. My relationship with Kumetrix is limited to preparing patent applications. However I am forwarding your inquiry to Wilson Smart.

EXHIBIT D
Follow-up Letter to Subramanian
Petition - 09/816,472

Enclosed are four standard inventor declarations (two of which have been revised as described above) and four standard assignment documents (each of which has the correct "Kumar" spelling) for Mr. Subramanian to sign as joint inventor. These signatures are required in connection with four recently filed Kumetrix patent applications having docket numbers

Kum 11 Sil.Prb - Silicon Probe,

Kum 12 Opt.Win - Optical Window,

Kum 13 Sil.Lan - Silicon Lance, and

Kum 15 Prb.Str - Probe Strength.

I have provided an extra copy of each declaration and assignment.

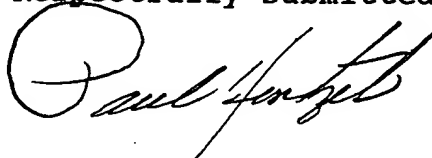
This request for signatures is consistent with the terms of the Employment Agreement (February 21, 1997) between Mr. Subramanian and Kumetrix executed by Mr. Subramanian (attached pink). Kindly obtain Mr. Subramanian's signature on the enclosed declarations and assignments, and return them to me in the enclosed return envelope.
Notarization is optional.

The four Declarations are standard statements to the US Patent Office concerning the Kumetrix's patent applications, assuring the Patent Office that Mr. Subramanian is one of the joint inventors in each of the four applications. The four Assignment Documents assign ownership of the patent rights to Kumetrix, Mr. Subramanian's previous employer.

This request for signatures has been outstanding since 09 May 2001. If I have not received all of the documents properly signed by Mr. Subramanian by Monday 25 June 2001, I must proceed under 37 CFR 147 (35 U.S.C. 118) without Mr. Subramanian's signatures.

enc
4 Pat App
4 Dec
4 Asn
return envelope
emp agr - pink

Respectfully Submitted



Paul Hentzel
Patent Attorney
Reg No 24,602

cc
Mark R. Ostler w/o enc
Wilson Smart w/o enc

* A trademark of Kumetrix, Inc.

(Kum 00 Or1)

PAUL HENTZEL
Patents Copyrights Trademarks

441 Nevada Avenue
Palo Alto, California 94301-4122
Tel (650) 326-8254

June 11, 2001

Eugene Orloff
Inventor
1627 9th Street
Berkeley, CA 94710

RE : Declaration - Assignments
Three Recent Patent Filings by Kumetrix*
Follow-up Request

sent by both
Certified Mail return receipt and
First Class Mail

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SEP 24 2002

OFFICE OF PETITIONS

Dear Eugene

This is a follow-up request to my request of 09 May 01. Enclosed are three standard inventor declarations and three standard assignment documents for you to sign as joint inventor. These signatures are required in connection with your three recently filed patent applications having docket numbers

Kum 11 Sil.Prb - Silicon Probe,

Kum 13 Sil.Lan - Silicon Lance, and

Kum 15 Prb.Str - Probe Strength.

I have provided an extra copy of each declaration and assignment.

Also enclosed for your convenience and files is a copy of each of the above three patent applications (including the written description, the claims and the drawing). The application docket number is printed along the lefthand side of the footer on each page.

This request for signatures is consistent with the terms of the Employment Agreement (05 Dec 1997) between you and Kumetrix (attached yellow). Kindly sign and date the enclosed three declarations and three assignments (at the yellow markers), and return them to me in the enclosed return envelope. Notarization is optional.

EXHIBIT E
Follow-up Letter to Orloff
Petition - 09/816,472

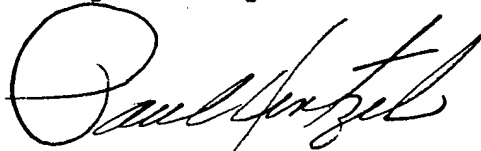
The three Declarations are standard statements to the US Patent Office concerning the Kumetrix's inventions, assuring the Patent Office that you are one of the joint inventors in each of the three applications. The three Assignment Documents assign ownership of the patent rights to Kumetrix.

This request for signatures has been outstanding since 09 May 2001. If I have not received all of the documents properly signed by you by Monday 25 June 2001, I must proceed under 37 CFR 147 (35 U.S.C. 118) without your signatures.

You may call me at (605) 326-8254 if you have any questions concerning this matter.

enc
3 Pat App
3 Dec
3 asn
return envelope
emp agr - yellow

Respectfully Submitted

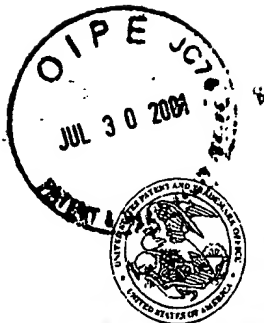


Paul Hentzel
Patent Attorney
Reg No 24,602

cc
Mark R. Ostler w/o enc
Wilson Smart w/o enc

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JUL 31 2001
OFFICE OF PETITIONS

RECEIVED
SEP 24 2002
OFFICE OF PETITIONS



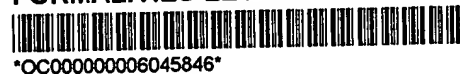
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,472	03/26/2001	Wilson Smart	Kum11Si1.Prb

CONFIRMATION NO. 6422

FORMALITIES LETTER



Paul Hentzel
441 Nevada Avenue
Palo Alto, CA 94301

Date Mailed: 05/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Kumar Subramanian and Eugene Orloff
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

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JUL 31 2001

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SEP 24 2002

OFFICE OF PETITIONS

Copy of Notice
Petition - 09/816,472